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11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN JOSE DIVISION**

14 ARIEL ABITTAN,
15 PLAINTIFF,
16 v.
17 LILY CHAO ET AL,
18 DEFENDANTS,
19 and
20 EIAN LABS INC.,
21 NOMINAL DEFENDANT.

Case No.: 5:20-cv-09340-NC

DECLARATION OF MILLICENT S.
MERONEY IN SUPPORT OF
STIPULATION TO EXTEND TIME TO
RESPOND TO MOTION

Magistrate Judge: Nathanael M. Cousins

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28 **DECLARATION OF MILLICENT S.**
MERONEY IN SUPPORT OF
STIPULATION TO EXTEND TIME TO
RESPOND TO MOTION

Case No. 5:20-cv-09340-NC

1 I, Millicent Meroney Lundburg¹, a member of the Bar of the state of California and
 2 counsel for Defendants in this civil action, declare on information and belief:

- 3 1. I and my firm were retained last week to substitute for Defendants' prior counsel,
 4 Fenwick & West LLP in the instant civil action.
- 5 2. I and my firm are also being substituted for Defendants' prior counsel, Fenwick &
 6 West LLP, in two California state court cases involving some of the same parties.
 7 One of the cases involves plaintiff in this case, Ariel Abittan. Case No. 20-cv-
 8 372622 in the Superior Court of the State of California, County of Santa Clara.
- 9 3. There are several imminent deadlines in all cases, including for, meet & confers,
 10 pleadings and other court filings/submissions, and hearings over the coming days
 11 and weeks.
- 12 4. I and my firm are urgently working to meet as many deadlines as possible in all
 13 cases while seeking the minimum extensions necessary to ensure a proper and
 14 orderly transition.
- 15 5. Absent the requested extension, Defendants would likely be prejudiced by a lack
 16 of sufficient time to assess Plaintiff's motion and determine how and whether to
 17 submit an opposition.
- 18 6. My firm has sought and received Plaintiff's consent to a relatively short extension
 19 of four days to respond to the Motion. Defendants also consented to a relatively
 20 short extension for Plaintiff to submit a reply.
- 21 7. The statements following are based on a review of the docket and files. On March
 22 5, 2021, Dkt. 22, the Court continued the Initial Case Management Conference set
 23 for March 17, 2021 to April 28, 2021.
- 24 8. On April 21, 2021, Dkt. 44, the Court entered a Modified Order re 43 Stipulation
 25 Setting Schedule and Extending Time to Respond. The Court continued the Case

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 27 ¹ [1] My maiden name was Millicent Sims Meroney and it was my name in 1990 at the time of my
 28 admittance. Following marriage, my name changed to Millicent Meroney Lundburg. I will file the
 name change with the State Bar of California.

1 Management Conference set for April 28, 2021 to July 7, 2021.

2 9. On June 28, 2021, Dkt. 67, the Clerk issued a Notice continuing the Case

3 Management Conference set for July 7, 2021 to July 28, 2021.

4 10. On July 19, 2021, Dkt. 79, the Clerk issued a Notice continuing the Case

5 Management Conference set for July 28, 2021 to October 6, 2021.

6 11. On September 29, 2021, Dkt. 90, the Court entered an Order, following the

7 parties' stipulation and joint request, continuing the Case Management Conference

8 from October 6, 2021 to November 17, 2021.

9 12. The parties have agreed to the extension of time and believe it will not impact any

10 other dates on the case schedule.

11 I declare under penalty of perjury that the foregoing is true and correct.

12
13 Respectfully submitted,

14 DATED: October 4, 2021

15 CULHANE MEADOWS PLLC
16 Millicent S. Meroney (Lundburg)

17 By: /s/ Millicent S. Meroney (Lundburg)
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